

HOUSE BILL No. 1072

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-12-7-7; IC 35-47.5-4-4.5; IC 35-47.5-5-11.

Synopsis: Regulated explosives. Provides that a person may not use a regulated explosive unless the person has been issued a license by the state fire marshal. Provides that the fire prevention and building safety commission shall adopt rules to govern the use of regulated explosives. Makes it a crime to violate those rules.

Effective: July 1, 2004.

Bischoff

January 15, 2004, read first time and referred to Committee on Interstate and International Cooperation.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1072

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-12-7-7, AS AMENDED BY P.L.141-2003,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 7. An order under IC 4-21.5-3-6 or IC 4-21.5-4
4 may include the following, singly or in combination:

5 (1) Require a person who has taken a substantial step toward
6 violating a law or has violated a law to cease and correct the
7 violation.

8 (2) Require a person who has control over property that is
9 affected by a violation to take reasonable steps to:

10 (A) protect persons and property from the hazards of the
11 violation; and

12 (B) correct the violation.

13 (3) Require persons to leave an area that is affected by a violation
14 and prohibit persons from entering the area until the violation is
15 corrected.

16 (4) Impose any of the following sanctions with respect to a permit,
17 registration, certification, release, authorization, variance,

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exemption, or other license issued by a person described in section 1 of this chapter:

- (A) Permanently revoke the license.
- (B) Suspend the license.
- (C) Censure the person to whom the license is issued.
- (D) Issue a letter of reprimand to a person to whom the license is issued.
- (E) Place a person to whom the license is issued on probation.

An order to permanently revoke or suspend a license under this subdivision may include the revocation or suspension of a license issued under IC 35-47.5-4-4.5 for the commission of an offense under IC 35-47.5-5 or 18 U.S.C. 842 by the licensee.

- (5) Impose on a person who has violated a law that may be enforced by the department a civil penalty not to exceed two hundred fifty dollars (\$250) for each day the violation occurs.

SECTION 2. IC 35-47.5-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 4.5. (a) The commission shall adopt rules under IC 4-22-2 to:**

- (1) govern the use of a regulated explosive; and
- (2) establish requirements for the issuance of a license for the use of a regulated explosive.

(b) The commission shall include the following requirements in the rules adopted under subsection (a):

- (1) Relicensure every three (3) years after the initial issuance of a license.
- (2) Continuing education as a condition of relicensure.
- (3) An application for licensure or relicensure must be submitted to the office on forms approved by the commission.
- (4) A fee for licensure and relicensure.
- (5) Reciprocal recognition of a license for the use of a regulated explosive issued by another state if the licensure requirements of the other state are substantially similar to the licensure requirements established by the commission.

(c) A person may not use a regulated explosive unless the person has a license issued under this section for the use of a regulated explosive.

(d) The office shall carry out the licensing and relicensing program under the rules adopted by the commission.

SECTION 3. IC 35-47.5-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 11. A person who recklessly**

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1 violates a rule regarding the use of a regulated explosive adopted
2 by the commission under IC 35-47.5-4-4.5 commits a Class A
3 misdemeanor. However, the offense is a Class D felony if the
4 violation of the rule proximately causes bodily injury or death.

5 SECTION 4. [EFFECTIVE JULY 1, 2004] IC 35-47.5-5-11, as
6 added by this act, applies only to offenses committed after June 30,
7 2004.

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